

107TH CONGRESS
1ST SESSION

H. R. 2925

IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 2001

Received

AN ACT

To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION. 1. LAW ENFORCEMENT AUTHORITY AT BUREAU**
2 **OF RECLAMATION FACILITIES.**

3 (a) PUBLIC SAFETY REGULATIONS.—The Secretary
4 of the Interior shall issue regulations necessary to main-
5 tain law and order and protect persons and property with-
6 in Reclamation projects and on Reclamation lands.

7 (b) VIOLATIONS; CRIMINAL PENALTIES.—Any per-
8 son who knowingly and willfully violates any regulation
9 issued under subsection (a) shall be fined under chapter
10 227, subchapter C of title 18, United States Code, impris-
11 oned for not more than 6 months, or both. Any person
12 charged with a violation of a regulation issued under sub-
13 section (a) may be tried and sentenced by any United
14 States magistrate judge designated for that purpose by
15 the court by which he was appointed, in the same manner
16 and subject to the same conditions and limitations as pro-
17 vided for in section 3401 of title 18, United States Code.

18 (c) AUTHORIZATION OF LAW ENFORCEMENT OFFI-
19 CERS.—The Secretary of the Interior may—

20 (1) authorize law enforcement personnel from
21 the Department of the Interior to act as law enforce-
22 ment officers to enforce Federal laws and regula-
23 tions within a Reclamation project or on Reclama-
24 tion lands;

25 (2) authorize law enforcement personnel of any
26 other Federal agency that has law enforcement au-

1 thority (with the exception of the Department of De-
2 fense) or law enforcement personnel of any State or
3 local government, including an Indian tribe, when
4 deemed economical and in the public interest,
5 through cooperative agreement or contract, to act as
6 law enforcement officers to enforce Federal laws and
7 regulations within a Reclamation project or on Rec-
8 lamation lands with such enforcement powers as
9 may be so assigned to them by the Secretary;

10 (3) cooperate with any State or local govern-
11 ment, including an Indian tribe, in the enforcement
12 of the laws or ordinances of that State or local gov-
13 ernment; and

14 (4) provide reimbursement to a State or local
15 government, including an Indian tribe, for expendi-
16 tures incurred in connection with activities under
17 paragraph (2).

18 (d) POWERS OF LAW ENFORCEMENT OFFICERS.—A
19 law enforcement officer authorized by the Secretary of the
20 Interior under subsection (c) may—

21 (1) carry firearms within a Reclamation project
22 or on Reclamation lands;

23 (2) make arrests without warrants for—

24 (A) any offense against the United States
25 committed in his presence; or

1 (B) any felony cognizable under the laws
2 of the United States if he has—

3 (i) reasonable grounds to believe that
4 the person to be arrested has committed or
5 is committing such a felony, and

6 (ii) such arrest occurs within a Rec-
7 lamation project or on Reclamation lands
8 or the person to be arrested is fleeing
9 therefrom to avoid arrest;

10 (3) execute within a Reclamation project or on
11 Reclamation lands any warrant or other process
12 issued by a court or officer of competent jurisdiction
13 for the enforcement of the provisions of any Federal
14 law or regulation issued pursuant to law for any of-
15 fense committed within a Reclamation project or on
16 Reclamation lands; and

17 (4) conduct investigations within a Reclamation
18 project or on Reclamation lands of offenses against
19 the United States committed within a Reclamation
20 project or on Reclamation lands if the Federal law
21 enforcement agency having investigative jurisdiction
22 over the offense committed declines to investigate
23 the offense.

24 (e) LEGAL STATUS OF STATE OR LOCAL LAW EN-
25 FORCEMENT OFFICERS.—

1 (1) STATE OR LOCAL OFFICERS NOT FEDERAL
2 EMPLOYEES.—Except as otherwise provided in this
3 section, a law enforcement officer of any State or
4 local government, including an Indian tribe, author-
5 ized to act as a law enforcement officer under sub-
6 section (c) shall not be deemed to be a Federal em-
7 ployee and shall not be subject to the provisions of
8 law relating to Federal employment, including those
9 relating to hours of work, rates of compensation,
10 employment discrimination, leave, unemployment
11 compensation, and Federal benefits.

12 (2) APPLICATION OF FEDERAL TORT CLAIMS
13 ACT.—For purposes of chapter 171 of title 28,
14 United States Code (commonly known as the Fed-
15 eral Tort Claims Act), a law enforcement officer of
16 any State or local government, including an Indian
17 tribe, shall, when acting as a law enforcement officer
18 under subsection (c) and while under Federal super-
19 vision and control, and only when carrying out Fed-
20 eral law enforcement responsibilities, be considered a
21 Federal employee.

22 (3) AVAILABILITY OF WORKERS COMPENSA-
23 TION.—For purposes of subchapter I of chapter 81
24 of title 5, United States Code, relating to compensa-
25 tion to Federal employees for work injuries, a law

1 enforcement officer of any State or local govern-
2 ment, including an Indian tribe, shall, when acting
3 as a law enforcement officer under subsection (c)
4 and while under Federal supervision and control,
5 and only when carrying out Federal law enforcement
6 responsibilities, be deemed a civil service employee of
7 the United States within the meaning of the term
8 employee as defined in section 8101 of title 5, and
9 the provisions of that subchapter shall apply. Bene-
10 fits under such subchapter shall be reduced by the
11 amount of any entitlement to State or local workers
12 compensation benefits arising out of the same injury
13 or death.

14 (f) CONCURRENT JURISDICTION.—Nothing in this
15 section shall be construed or applied to limit or restrict
16 the investigative jurisdiction of any Federal law enforce-
17 ment agency, or to affect any existing right of a State
18 or local government, including an Indian tribe, to exercise
19 civil and criminal jurisdiction within a Reclamation project
20 or on Reclamation lands.

21 (g) REGULATIONS.—Except for the authority pro-
22 vided in section 2(c)(1), the law enforcement authorities
23 provided for in this section may be exercised only pursuant
24 to regulations issued by the Secretary of the Interior and
25 approved by the Attorney General.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) LAW ENFORCEMENT PERSONNEL.—The
4 term “law enforcement personnel” means an em-
5 ployee of a Federal, State, or local government agen-
6 cy, including an Indian tribal agency, who has suc-
7 cessfully completed law enforcement training ap-
8 proved by the Secretary and is authorized to carry
9 firearms, make arrests, and execute service of proc-
10 ess to enforce criminal laws of his or her employing
11 jurisdiction.

12 (2) RECLAMATION PROJECT; RECLAMATION
13 LANDS.—The terms “Reclamation project” and
14 “Reclamation lands” have the meaning given such
15 terms in section 2803 of the Reclamation Projects
16 Authorization and Adjustment Act of 1992 (16
17 U.S.C. 4601 32).

Passed the House of Representatives October 23,
2001.

Attest:

JEFF TRANDAHL,

Clerk.